THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5264 of 2007

Dated: 15-03-2007

Between:

A. Gopala Krishnamacharyulu.

..... PETITIONER

AND

The Regional Joint Commissioner, Endowments,
Kakinada, East Godavari District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5264 of 2007

ORDER:

The petitioner claims to be the *archaka*-cum-Secretary of Sri Madana Gopala Swamy Temple, Modekurru Village, Kothapeta Mandal, East Godavari District. He alleges that his grandfather was hereditary trustee and was also rendering *archakathvam*. His grandfather allegedly executed a Will dated 13.01.2000 bequeathing his right to *archakathvam* to the petitioner and as a result of which the petitioner is statedly incharge of the temple. He alleges that in O.S.No.14 of 1918, these rights were recognized by the Court. In spite of the same, second respondent issued impugned order dated 20.02.2007 removing the petitioner as trustee and appointing third respondent as single trustee of the temple. Aggrieved by the same, the petitioner preferred a revision under Section 92 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, (described as an appeal, which is not correct) before first respondent on 08.03.2007. He allegedly sought for interim directions, in vain. Therefore, he filed instant writ petition.

After hearing the learned counsel for the petitioner and the learned Assistant Government Pleader for Endowments, this Court is convinced that when once a person approaches the statutory authority by availing alternative remedy, writ petition would not lie. Therefore, first respondent should dispose of the stay application filed by the petitioner along with the revision petition dated 08.03.2007. This Court also observes that appointment of single trustee would be necessitated if there is sufficient cause or if it is in the interests of the temple. First respondent may keep this in mind and take necessary steps to see that a regular trust board is appointed by second respondent.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

15th March, 2007

Note: Issue CC by 16.03.2007.

B/o

ghn